

MAY 27 2004 JS

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DIVISION OF TEXAS  
Houston Division

MICHAEL N. MILBY, CLERK OF COURT

IN RE ENRON CORPORATION  
SECURITIES, DERIVATIVE &  
"ERISA" LITIGATION

MDL-1446

This Document Relates to:  
MARK NEWBY, et al.,

Plaintiffs,

v.

ENRON CORPORATION, et al.,

Defendants.

Civil Action No.  
H-01-3624 and  
Consolidated/  
Coordinated Cases

UNOPPOSED MOTION FOR CONFIDENTIALITY  
ORDER BY SCHUYLER AND ELIZABETH TILNEY

Schuyler M. Tilney and Elizabeth Tilney respectfully submit this Motion for Confidentiality Order. Counsel for the Tilneys has conferred with G. Paul Howes, counsel for the Lead Plaintiff in Newby, and counsel has represented that the plaintiffs do not oppose this Motion. Counsel for the Tilneys has also conferred with Helen Currie Foster, counsel for defendant Mark-Jubasche, and defendant Mark-Jubasche has no objection to this motion. In further support of this Motion, the Tilneys respectfully state the following:

1. Mr. Tilney has been served with two subpoenas requesting the production of documents. One subpoena was issued

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by the Newby plaintiffs, and the second was issued by defendant Rebecca Mark-Jubasche. Mrs. Tilney has also been served with a subpoena issued by the Newby plaintiffs calling for the production of documents.

2. Many of the documents requested by the Newby plaintiffs contain confidential personal and financial information.

3. The subpoena issued by defendant Mark-Jubasche calls for the production of material that was submitted to the Securities and Exchange Commission by Mr. Tilney pursuant to a request for confidential treatment under 17 C.F.R. § 200.83.

4. In accordance with similar orders entered in the instant case, the Tilneys respectfully request that the Court enter the proposed Confidentiality Order providing that documents that the Tilneys designate as "CONFIDENTIAL" and the information reflected therein, (a) shall be used by all parties in the In re Enron Corporation Securities, Derivative and "ERISA" Litigation (including consolidated, related, and coordinated cases) (collectively, "the Consolidated Actions") solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those Actions or in

preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated and Coordinated Actions, and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery, and information as provided in this paragraph; and (b) shall not be filed with any court without first obtaining the consent of the Tilneys.

5. The Tilneys recognize that nothing in the proposed Confidentiality Order shall prevent any parties in the In re Enron Corporation Securities, Derivative and "ERISA" Litigation from subsequently challenging Mr. or Mrs. Tilney's designation of the documents designated "CONFIDENTIAL" (including but not limited to seeking appropriate relief from the Court).

Respectfully submitted,

SCHUYLER M. TILNEY  
and ELIZABETH TILNEY

By Counsel:

Robert P. Trout / ABS by permission

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**Certificate of Service**

I hereby certify that on this 25th day of May, 2004 I served a copy of the foregoing by electronic posting to www.esl3624.

Robert P. Trout / ABS by permission

Robert P. Trout

IN RE ENRON CORPORATION  
SECURITIES, DERIVATIVE &  
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**CONFIDENTIALITY ORDER**

Pending before the Court is the Unopposed Motion for Confidentiality Order filed by Schuyler M. Tilney and Elizabeth Tilney. Lead Plaintiff in Newby and Defendant Rebecca Mark-Jusbasche have served subpoenas requesting the production of documents on Mr. and Mrs. Tilney, and these parties have represented to the Tilneys, through counsel, that they do not oppose this Motion. The Court, having considered the Motion, hereby:

ORDERS that the Motion is granted; and

IT IS FURTHER ORDERED that:

1. All documents Mr. or Mrs. Tilney designate as "CONFIDENTIAL" and the information reflected therein, (a) shall

be used by all parties in the In re Enron Corporation Securities, Derivative and "ERISA" Litigation (including consolidated, related and coordinated cases) (collectively "the Consolidated Actions"), solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those Actions or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated and Actions, and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery, and information as provided in this paragraph; and (b) shall not be filed with any court without first obtaining the consent of the Tilneys; and

2. Nothing in this Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in Newby) from subsequently challenging Mr. or Mrs. Tilney's designation of the documents designated "CONFIDENTIAL" (including but not limited to seeking appropriate relief from the Court).

SIGNED at Houston, Texas, this \_\_\_\_ day of \_\_\_\_\_,  
2004.

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HON. MELINDA HARMON  
UNITED STATES DISTRICT JUDGE